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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOARDS OF TRUSTEES OF THE
LOCALS 302 AND 612 OF THE
INTERNATIONAL UNION OF
OPERATING ENGINEERS
CONSTRUCTION INDUSTRY HEALTH
AND SECURITY FUND; LOCALS 302
AND 612 OF THE INTERNATIONAL
UNION OF OPERATING ENGINEERS-
EMPLOYERS CONSTRUCTION
INDUSTRY RETIREMENT FUND; and
WESTERN WASHINGTON
OPERATING ENGINEERS-
EMPLOYERS TRAINING TRUST
FUND,

Plaintiffs,

v.

IVERSEN AND SON'S INC, a Washington
corporation, Contractor's License No.
IVERSSI935DW, UBI No. 602 636 883,
Defendant.

NO.

**COMPLAINT FOR DELINQUENT
FRINGE BENEFIT CONTRIBUTIONS
(ERISA)**

For their complaint, plaintiffs allege as follows:

COMPLAINT FOR DELINQUENT
FRINGE BENEFIT CONTRIBUTIONS - 1

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I. PARTIES AND JURISDICTION

1. Plaintiffs are the Boards of Trustees of the Locals 302 and 612 of the International Union of Operating Engineers Construction Industry Health and Security Fund, Locals 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Fund, Western Washington Operating Engineers-Employers Training Trust Fund, and associated ancillary funds (collectively “Trust Funds”).

2. The Trust Funds are joint labor-management funds created pursuant to Section 302(c) of the Labor Management Relations Act (“LMRA”), 29 U.S.C. § 186(c), and the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1001, *et seq.* as amended (“ERISA”).

3. Defendant Iversen and Son’s Inc (hereafter “Iversen”), is a Washington corporation engaged in business in the State of Washington having its principal business listed as 5924 139th Trail Southwest, Rochester, Washington 98579 with the Washington Secretary of State.

4. Jurisdiction is conferred on this court by Sections 502 and 515 of ERISA, 29 U.S.C. §§ 1132 and 1145.

5. Venue is appropriate in the Division of Seattle, King County, WA under ERISA § 502(e)(2), 29 U.S.C. § 1132(e)(2).

II. CLAIM FOR RELIEF: DELINQUENT CONTRIBUTIONS

6. At all material times, Iversen has been signatory to a collective bargaining agreement (“CBA”) with the Independent Contractors of Washington and Operating Engineers Local 302 (hereafter referred to as “Local 302”), which incorporates by reference

1 the Trust Agreements for the Trust Funds.

2 7. The CBA and Trust Agreements require Iversen to make employee benefit
3 contributions to Trust Funds on behalf of Iversen's employees working within with the
4 jurisdiction of the CBA.

5 8. At all material times, Iversen has employed employees for whom employee
6 benefit contributions are due pursuant to the terms of the CBA and Trust Agreements.

7 9. Iversen has failed to timely make employee benefit contributions to the Trust
8 Funds for the July 2016 through September 2017 audit period.

9 10. Iversen owes the Trust Funds \$764.55 in contributions for the July 2016
10 through September 2017 audit period.

11 11. Iversen has failed to timely make employee benefit contributions to the Trust
12 Funds since November 2017.

13 12. Iversen owes an unknown amount in unpaid benefit contributions for
14 November 2017 through current. The total amount of unpaid contributions due will be proven
15 on motions or at trial.

16 13. Under the terms of the Trust Agreements and CBA, and under federal statutory
17 law, Iversen is obligated to pay liquidated damages, interest, reasonable attorney's fees, and
18 costs and expenses of suit.

19 14. Iversen owes \$711.12 in liquidated damages, \$1,180.89 in interest, and
20 \$3,025.75 in audit fees for the July 2016 through September 2017 audit period.

21 15. Iversen owes an unknown amount in liquidated damages, interest, and attorney
22 fees for the delinquent period of November 2017 through current. The total amount due will

1 be proven on motions or at trial.

2 WHEREFORE, Plaintiff Trust Funds pray for a money judgment as follows:

- 3 A. For judgment against Iversen and Son's Inc. for \$5,682.31 comprised of
4 \$764.55 in unpaid contributions, \$711.12 in liquidated damages, \$1,180.89 in
5 interest, and \$3,025.75 in audit fees for the July 2016 through September 2017
6 audit period;
- 7 B. For judgment against Iversen and Son's Inc. for all outstanding contributions,
8 liquidated damages, and interest due to Trust Funds for the months of
9 November 2017 through current;
- 10 C. For reasonable attorneys' fees costs and expenses of suit; and
- 11 D. For such other and further relief as this court deems just and equitable.

12 DATED THIS 13th day of May, 2022.

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14 /s/ Noelle E. Dwarzski
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